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12 GOOGLE INC.

12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
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17 Plaintiffs,
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19 v.
20 GOOGLE INC.,
21
22 Defendant.

Case No. 3:10-cv-03561 WHA

**SUPPLEMENTAL DECLARATION OF
RENNY HWANG IN SUPPORT OF
ORACLE'S ADMINISTRATIVE MOTION
TO SEAL [ECF NO. 2046]**

Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

I, RENNY HWANG, declare as follows:

1. I am an attorney and a Director of Litigation at Google Inc. (“Google”), where I have served as litigation counsel for the last seven years. My job responsibilities include, but are not limited to, supervising our outside counsel in connection with litigation matters (such as this one), as well as familiarizing myself with the areas of Google’s businesses and documentation concerning those businesses as they relate to litigation matters under my supervision. I submit this supplemental declaration in support of Oracle’s Administrative Motion to Seal (the “Sealing Motion”), *see* ECF No. 2046, pursuant to the Order re Sealing Motions filed by the Court on March 30, 2017 (the “Sealing Order”), *see* ECF No. 2076. This declaration supplements my prior declaration submitted in support of the Sealing Motion. *See* ECF No. 2051. I have knowledge of the facts set forth herein, and if called upon as a witness, I could testify to them competently under oath.

Sealed Document	ECF No.	Portions Sought To Be Sealed
Ex. 1: Deposition transcript of Felix Lin, Vols. I & II (12/14/2015 & 12/18/2015)	2046-2	<u>See Below</u>
Ex. 38: Excerpts of the deposition transcript of Hiroshi Lockheimer (12/8/2015)	2046-4	<u>See Below</u>

2. Having reviewed the materials listed in the Sealing Motion, and the Court’s corresponding rulings with respect to these materials in the Sealing Order, Google respectfully requests¹ that the Court clarify its ruling as to the sealing of the full transcripts of the Deposition of Felix Lin, Volume 1 dated December 14, 2015 and Volume II, dated December 18, 2015 (together in ECF No. 2046-2) and the Deposition of Hiroshi Lockheimer (ECF No. 2046-4), which were attached Exhibits 1 and 2 to the Declaration of Annette Hurst Per ECF No. 2036 (ECF No. 2043).

¹ Google understands that the Sealing Order directed any party seeking reconsideration of the Court’s rulings to file a supplemental declaration, not a noticed motion, because it authorized filing of only the supplemental declaration by today’s date. *See* Sealing Order at 7:21-27. If the Court prefers that any request for reconsideration be made through a noticed motion, Google is prepared to promptly prepare and file such a motion at the Court’s request.

3. In the Sealing Order, the Court stated that it was denying the instant Sealing Motion “for the same reasons stated regarding [the sealing motions at] Dkt. Nos. 1995, 2001, and 2002.” Sealing Order at 7:4-6. The Court denied the sealing motions at ECF Nos. 1995, 2001, and 2002 in the Sealing Order “as to portions of pages 6 and 9 of Oracle’s motion for a new trial identified by Google,” but otherwise granted Google’s request to seal the identified portions of the other materials identified for sealing in ECF No. 1995, 2001 and 2002, including the exhibits attached to declarations in support of Oracle’s motion for a new trial. Sealing Order at 6:16-26.

4. The Court denied a similar motion to seal by Google at ECF No. 2046 as to the identified portions of the “Declaration of Christa M. Anderson in Response to August 18, 2016 Order (ECF 2036),” ECF No. 2047-3, “for the same reasons stated regarding [the sealing motions at] Dkt. Nos. 1995, 2001, and 2002,” but “otherwise **GRANTED**” that motion as to each of the exhibits attached to the Anderson declaration. *See* Sealing Order at 7:5-8.

5. Based on the Court’s reasoning in the Sealing Order as to ECF Nos. 1995, 2001, and 2002, which the Court has incorporated into its ruling on this Sealing Motion (ECF No. 2046), Google seeks clarification as to whether the Court denied the Sealing Motion in its entirety, or whether the Court denied the Sealing Motion only as to the Declaration of Annette Hurst Per ECF No. 2036 (ECF No. 2043), but otherwise granted the Sealing Motion as to the exhibits attached to the Hurst declaration, *i.e.*, the Lin and Lockheimer deposition transcripts, consistent with the Court’s ruling on the sealing motion at ECF No. 2047.

6. To the extent that the Sealing Order denied Google’s Sealing Motion as to the exhibits to the Hurst Declaration, Google respectfully requests that the Court reconsider its ruling and, at minimum, seal the following portions of the deposition transcripts of Felix Lin (ECF No. 2046-2) and Hiroshi Lockheimer (ECF No. 2046-4):

- **Ex. 1-full deposition transcript of Felix Lin (ECF No. 2046-2):**

- Page 37, line 22 to page 39, line 16: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 64, line 18 to page 69, line 2: contains, refers to, and/or summarizes third-party agreement terms and details which are not public

- Page 72, line 3 to page 73, line 5: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 75, lines 10-18: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 122, line 18, to page 123, line 2: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 124, line 12, to page 135, line 13: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 137, lines 12-21: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 138, lines 9-25: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 144, lines 7-21: contains, refers to, and/or summarizes sensitive internal financial information that is not public
- Page 145, line 22, to page 152, line 5: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 152, line 23, to page 154, line 11: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 156, lines 13-18: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 157, line 12, to page 158, line 6: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 158, lines 13-21: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 161, line 16, to page 162, line 23: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 165, line 13, to page 166, line 6: contains, refers to, and/or summarizes third-party agreement terms and details which are not public

- Page 172, line 8, to page 178, line 8: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 195, line 4, to page 197, line 5: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 197, line 23, to page 199, line 9: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 202, lines 10-25: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 205, line 12, to page 216, line 7: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 218, line 9, to page 223, line 7: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 226, lines 2-21: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 229, line 4 to page 231, line 2: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 236, line 12 to page 237, line 7: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 258, line 11 to page 278, line 13: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 278, line 124 to page 282, line 24: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 288, line 18 to page 298, line 9: contains, refers to, and/or summarizes third-party agreement terms and details which are not public
- Page 300, lines 9-16: contains, refers to, and/or summarizes third-party agreement terms and details which are not public

1 • **Ex. 2-full deposition transcript of Hiroshi Lockheimer (ECF No. 2046-4):**

- 2 ○ Page 14, line 3 to page 17, line 1: contains, refers to, and/or summarizes third-party
- 3 agreement terms and details which are not public
- 4 ○ Page 17, line 20 to page 18, line 19: contains, refers to, and/or summarizes third-
- 5 party agreement terms and details which are not public
- 6 ○ Page 79, line 1 to page 83, line 2: contains, refers to, and/or summarizes third-party
- 7 agreement terms and details which are not public
- 8 ○ Page 87, line 16 to page 94, line 17: contains, refers to, and/or summarizes third-
- 9 party agreement terms and details which are not public
- 10 ○ Page 95, lines 7-17: contains, refers to, and/or summarizes third-party agreement
- 11 terms and details which are not public
- 12 ○ Page 95, line 25 to page 96, line 10: contains, refers to, and/or summarizes third-
- 13 party agreement terms and details which are not public
- 14 ○ Page 96, line 23 to page 98, line 10: contains, refers to, and/or summarizes third-
- 15 party agreement terms and details which are not public
- 16 ○ Page 99, line 10 to page 100, line 2: contains, refers to, and/or summarizes third-
- 17 party agreement terms and details which are not public
- 18 ○ Page 100, lines 6-13: contains, refers to, and/or summarizes third-party agreement
- 19 terms and details which are not public
- 20 ○ Page 101, lines 15-25: contains, refers to, and/or summarizes third-party agreement
- 21 terms and details which are not public
- 22 ○ Page 102, lines 4-13: contains, refers to, and/or summarizes third-party agreement
- 23 terms and details which are not public
- 24 ○ Page 108, line 15 to page 109, line 15: contains, refers to, and/or summarizes third-
- 25 party agreement terms and details which are not public

26 7. In identifying the above passages from the deposition transcripts, Google has made

27 efforts not to include discussions regarding the “technical relationship *vel non* between Android

28 and Chrome OS,” which the Court has ruled should not be sealed. Sealing Order at 6:21-26.

1 Instead, the identified portions of the depositions transcripts “relate to internal financial matters
2 and third-party business dealings that could cause the designating party competitive harm if made
3 public,” which the Court has ruled should be sealed. Sealing Order at 6:18-21.

4 8. In the alternative, Google respectfully requests that the full Lockheimer and Lin
5 deposition transcripts attached as exhibits to the Hurst Declaration, ECF No. 2046-2 & ECF No.
6 2046-4, be redacted in the same manner as the excerpts of those transcripts that the Court sealed
7 as part of its ruling on the sealing motion at ECF No. 1995 in the Sealing Order. *See* ECF No.
8 1995-6, ECF No. 1995-7, and ECF No. 1995-9.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct to the best of my knowledge.

11 Executed this 13th day of April, 2017 at Sunnyvale, California.

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13
14 By:



15 RENNY HWANG
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